

from Anne Arundel (Mr. Miller) in reviewing that argument said that the gentleman (Mr. Ridgely) had carefully excluded from consideration the latter part of that sixth section, which reads as follows:

"And the provisions hereinbefore contained for the qualifications of voters, and the holding of the elections provided in the previous sections of this act, shall be applicable to the election to be held under this section."

Now, it is upon that part of the section that I intend to base the view which I shall take of this subject; that part which my friend from Anne Arundel said my friend from Baltimore county had carefully avoided.

"Provisions hereinbefore contained for the qualification of voters." What are the provisions for the qualifications of voters contained in this convention bill, and which are to be applicable when they vote for the constitution, or against the constitution, as they were applicable when they voted for a convention or against a convention? The gentleman from Anne Arundel admits that the people ratified the provisions of this act when they voted for it. And he has argued that the provisions of this act apply to this convention, although every other gentleman of his party has been forced to flee from that conclusion, in order to avoid the necessary implication that this oath was legal, and to plant themselves upon the sovereign powers of this convention, and to hold that there is no legal qualifications except those contained in the constitution.

The gentleman from Montgomery (Mr. Peter) was very careful this morning to note certain qualifications laid down in the first section of the convention bill; that is, those prescribed for voters in electing delegates to the general assembly. And then he read a certain oath which the members were required to take. But there was another part of the first section which he did not read, but which I will now read:

"And the judges of election shall at said election (for the convention) administer the oath or affirmation to every person offering to vote, whose vote shall be challenged on the ground that such person has served in the rebel army, or has either directly or indirectly, given aid, comfort or encouragement to those in armed rebellion against the government of the United States, or is for any other reason not a legal voter in the manner and form provided by section twenty-one of article thirty-five of the Code of public general laws, relating to elections."

Now the article of the Code referred to simply allows the judges of election in ordinary cases to administer the oath to the party touching his right to vote, as regards his residence. But it gave them the power to ask such questions as they might deem it necessary to put to the voter. That, therefore, in

connection with the first section of this convention bill, gave the judges complete power to ask as many questions as they pleased, and in any manner they pleased, in order to purge the conscience of the voter, and to bring out from him any of these facts, viz: whether he had ever served in the rebel army, or had either directly or indirectly given aid, comfort or encouragement to those in armed rebellion against the government of the United States.

Now here is the point I make upon that. I say that the sixth section of the convention bill says that the same provisions in regard to the qualifications of voters shall be applicable when this constitution is submitted to the people, as were required by the first section of that act when the question of a convention was submitted to the people. And among those provisions is this, that the judges of election were authorized to put every man on his oath as to whether he had ever served in the rebel army, or had ever directly or indirectly given aid, comfort, or encouragement to those engaged in armed rebellion against the government of the United States. Now I ask, in what respect does this oath which we propose to prescribe in this schedule, differ from the one which the judges of election were empowered to administer to every man who voted upon the calling a convention? The judges might have gone on, under the very bill which called this convention together, and ask all the questions now proposed by the committee on the schedule. The only difference, if it be a difference, that this report, instead of allowing the judges to put their questions in their own way, has included in the form of an oath to be taken by the voter, what the judges under the convention bill could have accomplished by questions put to the voter. What is the oath prescribed by this report of the committee on the schedule, being the oath contained in the article on elective franchise?

"I do swear or affirm that I am a citizen of the United States, that I have never given any aid, countenance or support to those in armed hostility to the United States, that I have never expressed a desire for the triumph of said enemies over the arms of the United States, and that I will bear true faith and allegiance to the United States and support the constitution and laws thereof as the supreme law of the land, any law or ordinance of any State to the contrary notwithstanding, and will in all respects demean myself as a loyal citizen of the United States, and I swear this without any reservation or evasion."

Mr. EDLEN. Do I understand the gentleman from Baltimore city (Mr. Daniel) to give his opinion here as a lawyer, that the oath he has just read, is substantially the same oath which is prescribed by the first section of the convention bill?

Mr. DANIEL. Yes, sir. I say this, that